

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 942
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred S.B. No. 942 entitled:

"A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS,"

begs leave to report as follows:

The purpose of this measure is to amend the State's underground storage tank laws to ensure compliance with the federal Energy Policy Act of 2005, P.L. 109-58, to ensure that the Department of Health is eligible for federal grants.

Testimony in support of this measure was submitted by the Department of Health. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that, without the amendments in this measure, the Department of Health may lose approximately \$450,000 of annual federal funds that it now receives from the United States Environmental Protection Agency for the Department of Health's Underground Storage Tank and Leaking Underground Storage Tank programs. The amendments to the State's underground storage tank law contained in this measure allow the Department of Health, before holding a contested hearing, to prohibit the delivery of petroleum products to underground storage tanks that violate the law. Your Committee finds that these amendments are intended to deal specifically with ineligible tanks and are not meant to close the facilities where the ineligible tanks are located.

Your Committee has amended this measure by:



- (1) Specifying in the purpose clause that conformance with federal law is being achieved by appropriate amendments to the State's underground storage tank laws; and
- (2) Making technical, nonsubstantive stylistic changes.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 942, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 942, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environment,



MIKE GABBARD, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 942</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">ENE</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/26/09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)	✓			
GREEN, M.D., Josh				✓
HOOSER, Gary L.	✓			
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.				✓
HEMMINGS, Fred	✓			
TOTAL	<div style="font-size: 1.2em; font-family: cursive;">5</div>	<div style="font-size: 1.2em; font-family: cursive;">0</div>	<div style="font-size: 1.2em; font-family: cursive;">0</div>	<div style="font-size: 1.2em; font-family: cursive;">2</div>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">[Signature]</div>				
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> Distribution: Original File with Committee Report </div> <div style="width: 20%;"> Yellow Clerk's Office </div> <div style="width: 20%;"> Pink Drafting Agency </div> <div style="width: 20%;"> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes